

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

VICKI SCOTT WEED,

Plaintiff,

v.

CIGNA CORPORATION,

Defendant.

Civil No. 05-3473 (JBS)

MEMORANDUM OPINION

Simandle, District Judge:

1. This matter is before the Court on a motion by Plaintiff to vacate the dismissal in this case and reinstate the Complaint. For the reasons explained below, the motion shall be denied.

2. The Complaint in this action was filed July 11, 2005. Plaintiff never served the summons or Complaint.

3. On November 30, 2005, the Court issued a notice of call for dismissal pursuant to Fed. R. Civ. P. 4(m) and set a hearing for December 16, 2005. Plaintiff never responded to the notice, either in person or in writing.

4. Accordingly, the Court entered an order dismissing the case on December 16, 2005.

5. Since the notice of call of dismissal was entered in November 2005, Plaintiff made no attempt to contact the Court until April 7, 2008, more than two years after the case was dismissed.

6. Furthermore, Plaintiff's submission on this motion is woefully inadequate and fails to comply with Local Civil Rule 7.1, as Plaintiff files no brief, no statement why a brief is unnecessary, and completely fails to address the grounds for relief.

7. Plaintiff's counsel submits only a certification in support of the motion, which states that "[t]here was a long delay in moving before the Court as a result of a series of events" which included medical problems that "greatly curtailed my ability to work regularly." However, Plaintiff's counsel does not assert that he was disabled from the practice of law and provides no explanation for his failure, prior to dismissal, to serve the Complaint or respond to the notice of call for dismissal.

8. In addition, Plaintiff's counsel inaccurately states that the action was dismissed on May 7, 2007. In fact, as noted above, the action was dismissed on April 7, 2005, more than two years ago. There is no good cause shown for the Court to vacate that dismissal on this belated motion. Accordingly, Plaintiff's motion shall be denied.

July 25, 2008
Date

s/ Jerome B. Simandle
JEROME B. SIMANDLE
U.S. District Judge